

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-1441-PWS-E **TCEQ ID:** RN101246221 **CASE NO.:** 34571  
**RESPONDENT NAME:** Red River Authority of Texas

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Arrowhead Lakes Lots Water System, Farm-to-Market Road 2606 below the dam at Lake Arrowhead, Clay County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 28, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Curtis Campbell, General Manager, Red River Authority of Texas, P.O. Box 240, Wichita Falls, Texas 76307  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 10, 2006</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 10, 2006 (NOV) and August 10, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine records review investigation. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours [30 TEX. ADMIN. CODE § 290.110(b)(1) and (f)(4), and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$7,240</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$7,240</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b></p> <p>The Respondent has eight prior NOV's for the same violation.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has returned to compliance with the requirements of the disinfection protocol at the Facility as of November 1, 2006.</p>

Additional ID No(s): PWS ID No. 0390021



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES

Assigned

28-Aug-2007

PCW

5-Sep-2007

Screening

6-Sep-2007

EPA Due

9-Jul-2007

## RESPONDENT/FACILITY INFORMATION

Respondent Red River Authority of Texas

Reg. Ent. Ref. No. RN101246221

Facility/Site Region 3-Abilene

Major/Minor Source Major

## CASE INFORMATION

Enf./Case ID No. 34571

Docket No. 2007-1441-PWS-E

Media Program(s) Public Water Supply

Multi-Media

No. of Violations 1

Order Type Findings

Enf. Coordinator Yuliya Dunaway

EC's Team Enforcement Team 2

Admin. Penalty \$ Limit Minimum \$50 Maximum \$1,000

## Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$4,000

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 66% Enhancement Subtotals 2, 3, &amp; 7 \$2,640

Notes

The enhancement is due to eight prior NOV's for the same or similar violations as those in the current enforcement action, three dissimilar NOV's, and one agreed final enforcement order containing a denial of liability.

Culpability

No

0% Enhancement

Subtotal 4 \$0

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

Subtotal 5 \$1,000

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent has returned to compliance as of November 1, 2006.

Total EB Amounts \$1,727  
Approx. Cost of Compliance \$1,600

0% Enhancement\*

\*Capped at the Total EB \$ Amount

Subtotal 6 \$0

SUM OF SUBTOTALS 1-7

Final Subtotal \$5,640

OTHER FACTORS AS JUSTICE MAY REQUIRE

24%

Adjustment \$1,600

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount \$7,240

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$7,240

DEFERRAL

0%

Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

\$7,240

Screening Date 6-Sep-2007

Docket No. 2007-1441-PWS-E

PCW

Respondent Red River Authority of Texas

Policy Revision 2 (September 2002)

Case ID No. 34571

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101246221

Media [Statute] Public Water Supply

Enf. Coordinator Yullya Dunaway

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	8	40%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 66%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The enhancement is due to eight prior NOVs for the same or similar violations as those in the current enforcement action, three dissimilar NOVs, and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 66%

<b>Screening Date</b> 6-Sep-2007		<b>Docket No.</b> 2007-1441-PWS-E		<b>PCW</b>
<b>Respondent</b> Red River Authority of Texas		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 34571		<small>PCW Revision June 26, 2007</small>		
<b>Reg. Ent. Reference No.</b> RN101246221				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Yuliya Dunaway				
<b>Violation Number</b>	<input type="text" value="1"/>			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(b)(1) and (f)(4), and Tex. Health & Safety Code § 341.0315(c)			
<b>Violation Description</b>	<p>Failed to meet the disinfection protocol by failing to ensure that the total treatment process achieves at least 99.9% (3-log) inactivation or removal of Giardia lamblia cysts and at least 99.99% (4-log) inactivation or removal of viruses for a period longer than four consecutive hours. Specifically, a low concentration-time (the product of disinfectant concentration and effective contact time) for more than four consecutive hours was documented for 15 days in March 2006, 15 days in April 2006, 17 days in May 2006, four days in June 2006, eight days in July 2006, two days in August 2006, three days in September 2006 and one day in October 2006.</p>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				<b>Percent</b> <input type="text" value="50%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Matrix Notes</b>	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<b>Percent</b> <input type="text" value="0%"/>			
<p>Failure to disinfect the water supply for the appropriate length of time could cause customers of the water supply being exposed to a significant amount of contaminants which would exceed levels that are protective of human health.</p>				
<b>Adjustment</b>				<input type="text" value="\$500"/>
				<input type="text" value="\$500"/>
<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="8"/>	<input type="text" value="65"/>	<b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
<b>Violation Base Penalty</b> <input type="text" value="\$4,000"/>				
<p>Eight single events (one for each month) are recommended.</p>				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>		<input type="text" value="\$1,727"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$7,240"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				<input type="text" value="\$7,240"/>

**Economic Benefit Worksheet****Respondent** Red River Authority of Texas**Case ID No.** 34571**Reg. Ent. Reference No.** RN101246221**Media** Public Water Supply**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$1,600	1-Mar-2006	31-Oct-2006	1.6	\$127	\$1,600	\$1,727
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to ensure that a proper disinfection protocol is implemented, calculated for the months when the violations occurred.

Approx. Cost of Compliance

\$1,600

TOTAL

\$1,727

# Compliance History

Customer/Respondent/Owner-Operator:	CN600630479	Red River Authority of Texas	Classification: AVERAGE	Rating: 0.93
Regulated Entity:	RN101246221	ARROWHEAD LAKE LOTS WATER SYSTEM	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0390021	
Location:	FM 2606, WTP below dam at Lake Arrowhead, Clay County			
TCEQ Region:	REGION 03 - ABILENE			
Date Compliance History Prepared:	August 29, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 29, 2002 to August 29, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: (210) 403-4077

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 04/29/2005 ADMINORDER 2004-0863-PWS-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.113[G]  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Exceeded MCL for TTHM of 0.080 mg/l

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/15/2003	(143623)
2	06/09/2004	(274940)
3	08/30/2004	(293103)
4	09/08/2004	(333250)
5	08/24/2005	(406886)
6	06/06/2006	(465250)
7	07/16/2007	(567762)
8	08/02/2007	(567768)
9	08/02/2007	(568488)
10	08/02/2007	(568221)
11	08/02/2007	(567775)
12	08/02/2007	(568477)
13	08/03/2007	(568492)
14	08/03/2007	(568497)
15	08/20/2007	(571224)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/15/2003 (143623)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(c)(2)  
 Description: FAILURE TO SUBMIT CHEMICAL AND MICROBIOLOGICAL MONITORING PLAN.  
 Date: 08/23/2005 (406886)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)  
 Description: FAILURE TO MAINTAIN WATER STORAGE FACILITIES  
 Date: 06/05/2006 (465250)  
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)  
 Description: FAILURE TO MAINTAIN WATER STORAGE FACILITIES  
 Date: 11/10/2006 (567775)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)  
 Description: May 2006 - 17 days with a low CT for more than 4 consecutive hours.  
 Date: 11/10/2006 (568221)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)  
 Description: June 2006 - 4 days with a low CT for more than 4 consecutive hours.  
 Date: 11/10/2006 (568497)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)  
 Description: October 2006 - 1 day with a low CT for more than 4 consecutive hours.  
 Date: 11/10/2006 (568477)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)  
 Description: July 2006 - 8 days with a low CT for more than 4 consecutive hours.  
 Date: 11/10/2006 (567768)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)  
 Description: April 2006 - 15 days with a low CT for more than 4 consecutive hours.  
 Date: 11/10/2006 (568492)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)  
 Description: September 2006 - 3 days with a low CT for more than for consecutive hours.  
 Date: 11/10/2006 (567762)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)  
 Description: March 2006 - 15 days with a low CT for more than 4 consecutive hours.  
 Date: 11/10/2006 (568488)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(B)  
 30 TAC Chapter 290, SubChapter F 290.110(b)(1)(C)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(4)  
 Description: August 2006 - 2 days with a low CT for more than 4 consecutive hours.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A



I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RED RIVER AUTHORITY OF TEXAS  
RN101246221**

§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1441-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Red River Authority of Texas ("Red River Authority") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Red River Authority presented this agreement to the Commission.

Red River Authority understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Red River Authority agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Red River Authority.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. Red River Authority owns and operates a public water supply at Farm-to-Market Road 2606 below the dam at Lake Arrowhead, Clay County, Texas (the "Facility") that has approximately 633 service connections and serves at least 25 people per day for at least 60 days per year.



2. During a record review on November 10, 2006, TCEQ staff documented that Red River Authority did not meet the disinfection protocol by failing to ensure that the total treatment process achieves at least 99.9% (3-log) inactivation or removal of Giardia lamblia cysts and at least 99.99% (4-log) inactivation or removal of viruses for a period longer than four consecutive hours. Specifically, a low concentration-time (the product of disinfectant concentration and effective contact time) for more than four consecutive hours was documented for 15 days in March 2006, 15 days in April 2006, 17 days in May 2006, four days in June 2006, eight days in July 2006, two days in August 2006, three days in September 2006 and one day in October 2006.
3. Red River Authority received notices of the violations dated November 15, 2006 and August 15, 2007.
4. The Executive Director recognizes that Red River Authority has returned to compliance with the requirements of the disinfection protocol at the Facility as of November 1, 2006.

## II. CONCLUSIONS OF LAW

1. Red River Authority is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, Red River Authority failed to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(1) and (f)(4), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Red River Authority for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Seven Thousand Two Hundred Forty Dollars (\$7,240) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Red River Authority has paid the Seven Thousand Two Hundred Forty Dollar (\$7,240) administrative penalty.

## III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Red River Authority is assessed an administrative penalty in the amount of Seven Thousand Two Hundred Forty Dollars (\$7,240) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Red River Authority's compliance with all the terms and conditions set forth in this Agreed Order

10/10/1911

The first of the series of lectures on the history of the English language was given by Mr. J. H. Green on the 10th of October. The lecture was very interesting and well attended. The subject was the history of the English language from its earliest beginnings to the present day. Mr. Green dealt with the various dialects of Old English, the influence of French and Latin, and the development of the language into the modern English of today. He also touched upon the history of the English literature and the influence of the language on the culture of the English people.

The second lecture was given by Mr. J. H. Green on the 17th of October. The subject was the history of the English language from the Middle Ages to the present day. Mr. Green dealt with the various dialects of Middle English, the influence of French and Latin, and the development of the language into the modern English of today.

### THE HISTORY OF THE ENGLISH LANGUAGE

The third lecture was given by Mr. J. H. Green on the 24th of October. The subject was the history of the English language from the Renaissance to the present day. Mr. Green dealt with the various dialects of Early Modern English, the influence of French and Latin, and the development of the language into the modern English of today. He also touched upon the history of the English literature and the influence of the language on the culture of the English people.

The fourth lecture was given by Mr. J. H. Green on the 31st of October. The subject was the history of the English language from the 18th century to the present day. Mr. Green dealt with the various dialects of Late Modern English, the influence of French and Latin, and the development of the language into the modern English of today.

The fifth lecture was given by Mr. J. H. Green on the 7th of November. The subject was the history of the English language from the 19th century to the present day. Mr. Green dealt with the various dialects of Modern English, the influence of French and Latin, and the development of the language into the modern English of today.

### THE HISTORY OF THE ENGLISH LANGUAGE

The sixth lecture was given by Mr. J. H. Green on the 14th of November. The subject was the history of the English language from the 20th century to the present day. Mr. Green dealt with the various dialects of Contemporary English, the influence of French and Latin, and the development of the language into the modern English of today.

The seventh lecture was given by Mr. J. H. Green on the 21st of November. The subject was the history of the English language from the 21st century to the present day. Mr. Green dealt with the various dialects of Future English, the influence of French and Latin, and the development of the language into the modern English of today.

completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Red River Authority of Texas, Docket No. 2007-1441-PWS-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon Red River Authority. Red River Authority is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Red River Authority if the Executive Director determines that Red River Authority has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against Red River Authority in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

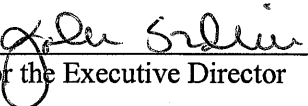




## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
Date 11/21/2008

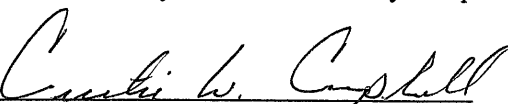
I, the undersigned, have read and understand the attached Agreed Order in the matter of Red River Authority of Texas. I am authorized to agree to the attached Agreed Order on behalf of Red River Authority of Texas, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Red River Authority of Texas waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
November 28, 2007  
Date

Curtis W. Campbell  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Red River Authority of Texas

\_\_\_\_\_  
General Manager  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

